NEW MEXICO LAW ENFORCEMENT ACADEMY
REGULAR BOARD MEETING

September 7, 2016
8:30 a.m.
MCM Elegante Lodge & Suites
107 Sierra Blanca Drive
Ruidoso, New Mexico 88345

REPORTED BY: Jan A. Williams, RPR, NM CCR 14

BOARD MEMBERS

Chief Chris McCall, Vice Chairman

Chief Pete Kassetas

Sheriff Wesley Waller

Chief Darren Soland

Scot Key

Elisabeth Miller

Kelly Burnham

ALSO PRESENT

Stephan Marshall, Director

Brian Coss, Deputy Director

Joseph M. Dworak, Esq.

Monica Medrano, Case Manager

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ITEM NO. 1: CALL TO ORDER

CHIEF McCALL: We'll bring our meeting to order.

ITEM NO. 2: ROLL CALL

CHIEF McCALL: Ms. Medrano, would you call the roll.

MS. MEDRANO: Honorable Hector Balderas.

Mr. Scot Key.

MR. KEY: Present.

MS. MEDRANO: Chief Pete Kassetas.

CHIEF KASSETAS: Present.

MS. MEDRANO: Sheriff Wesley Waller.

SHERIFF WALLER: Here.

MS. MEDRANO: Chief Darren Soland.

CHIEF SOLAND: Here.

MS. MEDRANO: Chief Chris McCall.

CHIEF McCALL: Here.

MS. MEDRANO: Sergeant Jaime Quezada.

Ms. Kelly Burnham.

MS. BURNHAM: Here.

MS. MEDRANO: Dr. Elisabeth Miller.

DR. MILLER: Here.

CHIEF McCALL: We'll be dealing with our disciplinary matters agenda today. And we'll be moving immediately into closed session to discuss

disciplinary matters.

I'll now make the motion to move the Board into closed session to discuss only those disciplinary matters listed on the agenda under executive session pursuant to NMSA 1978 Section 10-15-1(H). Do I have a second?

CHIEF KASSETAS: Second.

CHIEF McCALL: I have a motion and a second. Ms. Medrano, can you please take a roll call vote.

MS. MEDRANO: Mr. Scot Key.

MR. KEY: Yes.

MS. MEDRANO: Chief Pete Kassetas.

CHIEF KASSETAS: Yes.

MS. MEDRANO: Sheriff Wesley Waller.

SHERIFF WALLER: Yes.

MS. MEDRANO: Chief Darren Soland.

CHIEF SOLAND: Yes.

MS. MEDRANO: Chief Chris McCall.

CHIEF McCALL: Yes.

MS. MEDRANO: Ms. Kelly Burnham.

MS. BURNHAM: Yes.

MS. MEDRANO: Dr. Elisabeth Miller.

DR. MILLER: Yes.

CHIEF McCALL: Thank you. We'll now move into closed session to discuss disciplinary matters.

And we'll call the audience back when we finish. Hopefully about an hour. It may be a little longer. But I would definitely be back in that hour mark if you want to attend the open session.

(Recess from 8:35 a.m. to 10:45 a.m.)

ITEM NO. 23: RETURN TO OPEN SESSION

CHIEF McCALL: I appreciate your patience while we were in closed session.

I'll now bring the Board back into open session. I affirm that, while in closed session, the Board only discussed those matters specified in the motion to close the meeting and listed on the agenda under Executive Session in accordance with NMSA 1978 Section 10-15-1(H).

ITEM NO. 3: MARSHALL KATZ

CHIEF McCALL: So we'll move to item No. 3, proposed dismissals. Item No. 3 is Marshall Katz. Can I have a motion in relation to Mr. Katz.

SHERIFF WALLER: Mr. Chairman, I move that we accept the Director's recommendation for dismissal.

CHIEF McCALL: I have a motion on the floor. Do I have a second?

CHIEF SOLAND: Second.

CHIEF McCALL: A motion and a second. All in favor.

(Those in favor so indicate.)

CHIEF McCALL: Any opposed?

ITEM NO. 4: MATTHEW THOMAS

CHIEF McCALL: Next is No. 4, the matter related to Matthew Thomas.

MR. KEY: Mr. Chairman, I make a motion to approve the Director's recommendation of dismissal.

CHIEF McCALL: I have a motion on the floor. Is there a second?

CHIEF SOLAND: Second.

CHIEF McCALL: A second. All in favor.

(Those in favor so indicate.)

CHIEF McCALL: Any opposed?

CHIEF KASSETAS: Mr. Chair, let the record reflect that I recused myself from item No. 4, Mathew Thomas.

CHIEF McCALL: Chief Kassetas recused himself on item No. 4.

ITEM NO. 5: JESSICA TYLER

CHIEF McCALL: Next is item No. 5, Jessica Tyler. And I believe Chief Kassetas also recused himself in this case.

CHIEF KASSETAS: The same also for item No. 5, Jessica Tyler, recused myself.

CHIEF McCALL: Do I have a motion in regards

to Jessica Tyler?

CHIEF SOLAND: Mr. Chair, I make a motion to approve and accept the Director's recommendation of dismissal.

CHIEF McCALL: I have a motion on the floor for dismissal.

SHERIFF WALLER: Second.

CHIEF McCALL: A second. All in favor.

(Those in favor so indicate.)

CHIEF McCALL: Any opposed? The motion carries.

ITEM NO. 6: KENNETH BROWN

CHIEF McCALL: Next is proposed orders of suspension, item No. 6, Kenneth Brown. Can I have a motion in regards to Mr. Brown.

MS. BURNHAM: Mr. Chairman, I move that we approve the Director's recommendation and suspend Mr. Brown for 18 months.

CHIEF McCALL: I have a motion on the floor for a suspension of 18 months. Do I have a second?

MR. KEY: Second.

CHIEF McCALL: I have a second. All in favor.

(Those in favor so indicate.)

CHIEF McCALL: Any opposed? The motion

carries.

ITEM NO. 7: ANDREA DOBYNS

CHIEF McCALL: Item No. 7, Andrea Dobyns.

DR. MILLER: Mr. Chairman, I move to accept the Director's recommendation of a one-year suspension, modified to be effective the day the order is signed.

CHIEF McCALL: I have a motion. Do I have a second?

MS. BURNHAM: Second.

CHIEF McCALL: I have a second. All in favor.

(Those in favor so indicate.)

CHIEF McCALL: Any opposed? The motion carries.

ITEM NO. 8: ROBERT GONZALES

CHIEF McCALL: Next is No. 8, Robert Gonzales. Do I have a motion in regards to Mr. Gonzales?

CHIEF KASSETAS: Mr. Chair, I make a motion to accept the Director's recommendation; however, with a six-month suspension.

CHIEF McCALL: I have a motion on the floor. Do I have a second?

MR. KEY: Second.

CHIEF McCALL: And a second. All in favor.

(Those in favor so indicate.)

CHIEF McCALL: Any opposed? The motion carries.

ITEM NO. 9: BERNADETTE HALONA

CHIEF McCALL: Item No. 9, Bernadette Halona.

CHIEF SOLAND: Mr. Chair, I make a motion to approve the Director's recommendation for an order of suspension for six months.

CHIEF McCALL: I have a motion. Do I have a second?

SHERIFF WALLER: Second.

CHIEF McCALL: I have a second. All in favor.

(Those in favor so indicate.)

CHIEF McCALL: Any opposed to that?

ITEM NO. 10: CARMELITA JAMES

CHIEF McCALL: Item No. 10, Carmelita James.

DR. MILLER: Mr. Chairman, I move to reject the Director's recommendation of suspension and instead accept the Board's recommendation of revocation.

CHIEF McCALL: I have a motion on the floor. Do I have a second?

MS. BURNHAM: Second.

CHIEF McCALL: All in favor.

(Those in favor so indicate.)

CHIEF McCALL: Any opposed? The motion carries.

ITEM NO. 11: PATRICK MOSLEY

CHIEF McCALL: Item No. 11 is Patrick Mosley.

MR. KEY: Mr. Chairman, I would like to make a motion to reject the order of suspension in the recommendation and to recommend revocation.

CHIEF McCALL: I have a motion on the floor. Do I have a second?

CHIEF SOLAND: Second.

CHIEF McCALL: A second. All in favor.

(Those in favor so indicate.)

CHIEF McCALL: Any opposed? The motion carries.

ITEM NO. 12: ALLEN SANCHEZ, JR.

CHIEF McCALL: Next is item No. 12, Allen Sanchez, Jr.

CHIEF SOLAND: Mr. Chair, I move to accept the Director's recommendation for an order of suspension for one year with a stipulation that the suspension is effective to begin on the signature date.

CHIEF McCALL: I have a motion. Do I have a

second?

DR. MILLER: Second.

CHIEF McCALL: And a second. All in favor.

(Those in favor so indicate.)

CHIEF McCALL: Any opposed? The motion carries.

ITEM NO. 13: DANI MARTINEZ

CHIEF McCALL: Now we'll move to proposed orders of revocation, No. 13 Dani Martinez.

SHERIFF WALLER: Mr. Chair, I move to accept the Director's recommendation for revocation.

CHIEF McCALL: I have a motion to accept the Director's recommendation. Do I have a second?

MR. KEY: Second.

CHIEF McCALL: I have a second. All in favor.

(Those in favor so indicate.)

CHIEF McCALL: Any opposed? The motion carries.

ITEM NO. 14: JOSHUA SIDES

CHIEF McCALL: Next is item No. 14, Joshua Sides.

DR. MILLER: Mr. Chairman, I move to accept the Director's recommendation for revocation.

CHIEF McCALL: I have a motion on the floor

to accept the recommendation. Do I have a second?

SHERIFF WALLER: Second.

CHIEF McCALL: I have a second. All in favor.

(Those in favor so indicate.)

CHIEF McCALL: Any opposed?

MR. KEY: Mr. Chairman, I did want the record to reflect that I recused from consideration of item No. 14, Joshua Sides.

ITEM NO. 15: MARVIN GOKE

CHIEF McCALL: Next we'll move to proposed prosecution agreements, No. 15, Marvin Goke.

MR. KEY: Mr. Chairman, if I might, I would like to make a motion that we reject the stipulated agreement and deny that order and send it back for consideration of a hearing.

CHIEF McCALL: I have a motion. Do I have a second?

CHIEF SOLAND: Second.

CHIEF McCALL: I have a second. All in favor.

(Those in favor so indicate.)

CHIEF McCALL: Any opposed? The motion carries.

CHIEF KASSETAS: Mr. Chair, please let the

record reflect that I recused myself from item No. 15, Marvin Goke.

ITEM NO. 16: TRAVIS HOBBS

CHIEF McCALL: Next is item No. 16, Travis Hobbs.

MS. BURNHAM: Mr. Chairman, I move to reject the stipulated settlement agreement and have this matter set for a hearing.

CHIEF McCALL: I have a motion. Do I have a second?

MR. KEY: Second.

CHIEF McCALL: A motion and a second. All in favor.

(Those in favor so indicate.)

CHIEF McCALL: Any opposed? The motion carries.

ITEM NO. 17: DARBY MAZON

CHIEF McCALL: Next is No. 17, Darby Mazon.

DR. MILLER: Mr. Chairman, I move to reject the prosecutor's recommendation of an approved settlement agreement and instead accept the Board's recommendation to dismiss.

CHIEF McCALL: I have a motion on the floor. Is there a second?

SHERIFF WALLER: Second.

MR. DWORAK: Just to clarify, that wouldn't be a recommendation, it would be to dismiss the case.

DR. MILLER: I said accept the recommendation.

MR. DWORAK: Yes. Well, the recommendation was to dismiss? It was? Oh. From the Director?

DR. MILLER: Yes.

MR. DWORAK: Okay.

CHIEF McCALL: I have a motion. Do we have a second?

CHIEF SOLAND: Second.

CHIEF McCALL: All in favor.

(Those in favor so indicate.)

CHIEF McCALL: Any opposed? The motion carries.

ITEM NO. 18: PETER ALDERETE

CHIEF McCALL: Moving to formal hearing officer reports, No. 18, Peter Alderete.

CHIEF KASSETAS: Mr. Chair, I move to accept the findings of fact by the formal hearing officer that no violation of Board rules occurred.

CHIEF McCALL: I have a motion on the floor. Do I have a second?

SHERIFF WALLER: Second.

CHIEF McCALL: A second. All in favor.

(Those in favor so indicate.)

CHIEF McCALL: Any opposed? The motion carries.

ITEM NO. 19: FREDERICK SWITZER

CHIEF McCALL: Next is No. 19, Frederick Switzer.

MS. BURNHAM: Mr. Chairman, I move to suspend Mr. Switzer's certification for two years dated from the signing of the order of suspension.

CHIEF McCALL: I have a motion on the floor. Do we also need to accept the findings of fact?

MS. BURNHAM: I move to accept the hearing officer's findings of fact and move to suspend.

CHIEF McCALL: For two years?

MS. BURNHAM: For two years, yes.

CHIEF McCALL: Is there a second?

DR. MILLER: Second.

CHIEF McCALL: All in favor.

(Those in favor so indicate.)

CHIEF McCALL: Any opposed? The motion carries.

ITEM NO. 20: TRAVIS WILDER

CHIEF McCALL: Next is No. 20, Travis Wilder.

SHERIFF WALLER: Mr. Chairman, I move that we accept the findings of fact and order a three-year

suspension of his certification.

CHIEF McCALL: I have a motion on the floor. Is there a second?

CHIEF KASSETAS: Second.

CHIEF McCALL: And a second. All in favor.

(Those in favor so indicate.)

CHIEF McCALL: Any opposed? The motion carries.

ITEM NO. 21: JOSEPH AQUINO

CHIEF McCALL: We'll move to case status updates. In regards to No. 21, Joseph Aquino.

MS. BURNHAM: Mr. Chairman, move to approve the date of the suspension for Mr. Aquino to run from June 9th, 2016, through September 9th, 2016.

CHIEF McCALL: I have a motion on the floor. Do I have a second?

SHERIFF WALLER: Second.

CHIEF McCALL: All in favor.

(Those in favor so indicate.)

CHIEF McCALL: The motion carries.

Just for clarification, in regards to this, the Board had a little bit of an internal misunderstanding as to when some of these orders were taking effect.

We want to make sure that we're communicating

out to all the chiefs and sheriffs and law enforcement folks that these orders will take effect and must take effect upon their signature by the chair or vice chair in the future, just so we ensure that we don't confuse that going forward.

ITEM NO. 22: FREDERICK GYGI

CHIEF McCALL: Next is item No. 22, Frederick Gygi.

MS. BURNHAM: Mr. Chairman, I move to rescind the June 9th, 2016, action of the Board in this matter and that we allow reentry of Mr. Gygi into the disciplinary process.

CHIEF McCALL: I have a motion on the floor. Do I have a second?

CHIEF KASSETAS: Second.

CHIEF McCALL: And a second. All in favor.

(Those in favor so indicate.)

CHIEF McCALL: Any opposed? The motion carries.

ITEM NO. 24: ADJOURNMENT

CHIEF McCALL: So we have completed our disciplinary portion of our meeting. Any comments from the Board before we adjourn? All right. Can I get a motion for adjournment.

CHIEF KASSETAS: So moved.

CHIEF McCALL: And a second?

CHIEF SOLAND: Second.

CHIEF McCALL: All in favor say aye.

(Those in favor so indicate.)

CHIEF McCALL: Any opposed? The motion carries.

(At 11:00 a.m. the meeting was concluded.)

REPORTER'S CERTIFICATE

I, JAN A. WILLIAMS, New Mexico CCR #14, DO HEREBY CERTIFY that on September 7, 2016, the proceedings in the above captioned matter were taken before me, that I did report in stenographic shorthand the proceedings set forth herein, and the foregoing pages are a true and correct transcription to the best of my ability.

I FURTHER CERTIFY that I am neither employed by nor related to nor contracted with (unless excepted by the rules) any of the parties or attorneys in this case, and that I have no interest whatsoever in the final disposition of these proceedings.

JAN A. WILLIAMS, RPR
New Mexico CCR #14
License Expires: 12/31/16

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